

HOUSE No. 973

By Mr. Rushing of Boston, petition of Byron Rushing and others for legislation to accelerate the sealing of criminal offender record information. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Byron Rushing	Alice K. Wolf
Benjamin Swan	Gloria L. Fox
Dianne Wilkerson	Steven A. Tolman
Elizabeth A. Malia	

In the Year Two Thousand and Five.

AN ACT ACCELERATING THE SEALING OF CONVICTION CRIMINAL OFFENDER RECORD INFORMATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. The General Court hereby finds and declares
2 that:
- 3 (1) The current system of maintaining and disseminating Crim-
4 inal Offender Record Information (known as CORI) has become
5 an all-but-impossible barrier for most ex-offenders and other indi-
6 viduals with CORI with respect to their securing employment,
7 housing, education, training, credit and other necessities of main-
8 stream society, so that they may become productive and tax-
9 paying citizens or residents of the Commonwealth;
- 10 (2) While the Commonwealth and the Federal Government
11 spend millions of dollars to train and assist unemployed persons
12 to enter the workforce, these efforts are unacceptably frustrated by
13 the current CORI system, so that the Commonwealth is spending
14 the taxpayers' money to fund governmental efforts which are
15 often in contradiction to each other; and
- 16 (3) In addition to the state interest in safeguarding the reputa-
17 tions and privacy of the Commonwealth's residents, there is, col-

18 lectively, a compelling state interest to seal stale or otherwise
19 unpredictable criminal records, which state interest overcomes
20 what might be found to be a First Amendment interest in favor of
21 keeping these governmental records available to the more than
22 ten thousand organizations which now have access to CORI.

1 SECTION 2. Section 100A of chapter 276 of the General Laws
2 is hereby amended by striking the first paragraph and inserting in
3 place thereof the following paragraphs:—

4 The commissioner of probation shall seal, as directed in the
5 next sentence, every case record in the probation central file in
6 which there is either a conviction or the record is otherwise not
7 sealable as a non-conviction record under the provisions of
8 section 100C of this chapter. The commissioner shall seal every
9 such case whose final disposition, including any term of proba-
10 tion, incarceration or parole, so that a record of a misdemeanor is
11 sealed three years after its final disposition, and a record of a
12 felony is sealed seven years after its final disposition.

13 The commissioner of correction, as to discharges from state
14 correctional institutions, the several sheriffs, as to discharges from
15 the county houses of correction, and the chairman of the parole
16 board, as to discharges from parole, shall send appropriate infor-
17 mation to the commissioner of probation for all cases covered by
18 this Act.

1 SECTION 3. This Act shall take effect one year after it is
2 approved and shall be complied with as expeditiously as possible,
3 starting with case records showing the earliest final dispositions
4 occurring on or after January 1, 1973.